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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

24 JANE DOE,

Plaintiff,

28 vs.

30 JOSEPH LOMBARDO, Governor of Nevada,
31 in his official capacity; AARON FORD,
32 Attorney General of Nevada, in his
33 official capacity; NYE COUNTY;
34 ELKO COUNTY; STOREY COUNTY;
35 WESTERN BEST, INC., D/B/A CHICKEN R
36 WESTERN BEST, LLC; DESERT ROSE CL
37 HACIENDA ROOMING HOUSE, INC.
38 D/B/A BELLA'S HACIENDA RANCH;
39 MUSTANG RANCH PRODUCTIONS, LLC
40 D/B/A MUSTANG RANCH LOUNGE, LLC;
41 LEONARD 'LANCE' GILMAN, in his officia
42 and LEONARD 'LANCE' GILMAN, in his in

Case No.: 3:24-cv-00065-MMD-CSD

**PLAINTIFF'S RESPONSE IN
OPPOSITION TO DEFENDANTS NYE
COUNTY, ELKO COUNTY, AND
STOREY COUNTY'S MOTION FOR
CERTIFICATION AND ENTRY OF
FINAL JUDGMENT (ECF No. 120)**

44 Defendants.

1 Plaintiff Jane Doe, through her counsel, hereby submits her response in
2 opposition to County Defendants' motion for certification and entry of final judgment. Plaintiff
3 requests that this Court DENY Defendants' motion for the reasons below.

4 **INTRODUCTION**

5 Plaintiff Jane Doe is bringing Thirteenth Amendment claims for creating and maintaining
6 a system of slavery against all the defendants in this case, and Trafficking Victims Protecting
7 Act claims for perpetrating and benefiting from sex trafficking against only the County and
8 Brothel Defendants. *See* ECF No. 1. The State Defendants include Governor Joe Lombardo and
9 Attorney General Aaron Ford, and the County Defendants include Nye County, Elko County,
10 and Storey County.

11 On August 16, 2024, this Court dismissed the State and County Defendants and issued a
12 show-cause order directing Plaintiff to address her standing to sue the Brothel Defendants for
13 damages, *Doe v. Lombardo*, No. 3:24-CV-00065-MMD-CSD, 2024 WL 3886299, at *1, 4, 10-
14 12, (D. Nev. Aug. 16, 2024), whom she alleges sex trafficked her through a system of debt
15 bondage and other coercion.

16 Plaintiff responded to the show-cause order on August 30, 2024. ECF No. 115. The
17 Brothel Defendants' responses to the show-cause order were due on September 14, 2024. The
18 County Defendants filed their motion for certification and entry of final judgment on September
19 9, 2024. ECF No. 120. The State Defendants joined this motion on September 16, 2024. ECF
20 No. 130.

21 For the reasons that follow, Plaintiff requests the Court deny the motion for certification
22 of final judgment as premature.

23

ARGUMENT

2 Plaintiff argues that the motion for certification of final judgment should be denied,
3 because there currently is “just reason for delay” in avoiding redundant appellate practice, and
4 because Defendant Lance Gilman cannot be dismissed by implication.

I. Judicial economy, including avoiding duplicative appeals, is “just reason for delay” of final judgment entry.

Under the Federal Rules, where a lawsuit has multiple claims or parties, a court “may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.” Fed. R. Civ. P. 54(b).

11 Thus, where at least part of a case is continuing, entering final judgment as to some
12 parties or claims can only be made after that express determination. Judicial economy is a “just
13 reason for delay.” In *Wood v. GCC Bend, LLC*, 422 F.3d 873 (9th Cir. 2005), the Ninth Circuit
14 found a defendant’s Rule 54(b) request was improperly granted, and reversed the certification
15 because, “the facts on all claims and issues entirely overlap, and successive appeals are
16 essentially inevitable.” *Id.* at 883. The court explained that the plaintiff’s “legal right to relief
17 stems largely from the same set of facts and would give rise to successive appeals that would
18 turn largely on identical, and interrelated, facts. This impacts the sound administration of
19 justice.” *Id.* at 880.

20 The Ninth Circuit strongly favored preserving judicial economy by reversing the district
21 court’s certification, reasoning that “duplication of proceedings and overall delay in final
22 disposition of the action implicate sound judicial administration.” Fed. R. Civ. P. 1 “mandates
23 construing the rest of the rules ‘to secure the just, speedy, and inexpensive determination of
24 every action.’” *Wood*, at 882-883 (quoting Fed. R. Civ. P. 1).

1 Here, judicial economy favors delaying final judgment entry until after this court rules on
2 the claims against the Brothel Defendants. The court did not rule on Plaintiff's claims against
3 the brothels in the motion to dismiss order. However, that the court issued a show-cause order
4 addressing the brothels, and the order's accompanying timeline suggests that a decision on the
5 brothels is likely imminent. *See Doe v. Lombardo*, No. 3:24-CV-00065-MMD-CSD, 2024 WL
6 3886299, at *12 (D. Nev. Aug. 16, 2024) (making deadline for Plaintiff's response two weeks
7 from the Order date, Brothel Defendants' deadline two weeks after that, and not permitting a
8 reply).

9 The County Defendants filed the instant motion before the show-cause briefing was even
10 completed. *Compare* ECF No. 120 (motion for certification and entry of final judgment dated
11 September 9, 2024) *with Doe v. Lombardo*, No. 3:24-CV-00065-MMD-CSD, 2024 WL
12 3886299, at *12 (D. Nev. Aug. 16, 2024) (setting deadline for Brothel Defendants' show cause
13 response as September 14, 2024). If the court were to dismiss the Brothel Defendants, final
14 judgment would be appropriate for all defendants at that point. If the court granted final
15 judgment now and then dismissed the Brothel Defendants, and Plaintiff appealed both rulings,
16 that would create essentially similar appeals on two parallel tracks and timelines, which would
17 be inefficient and unnecessary, and therefore inconsistent with judicial economy.

18 The Counties' rush to final resolution is not only premature, but some of their reasons
19 betray an odd view¹ of the appeals process:

20 The political implications of Jane Doe's attack on a uniquely Nevada system of
21 laws involving lofty economic, as well as moral considerations, cannot be denied.
22 Should eventual appeal be inevitable, then the citizens of this State deserve to
23 understand, sooner rather than later, that their enacted system of legalized
24 prostitution is both safe and sanitary, and just as critically that it passes
25 constitutional muster.

¹ Curiously, given that this case concerns human rights abuses within the legalized brothel system, the Counties seem especially concerned to assure their citizens that Nevada prostitution is "sanitary." *See* ECF No. 120 at 10.

1 ECF No. 120 at 10.

2 There were no findings of fact in the court's Order, so an appeal cannot establish any of
3 these things. This case is at the motion to dismiss stage, so the Plaintiff's alleged facts must be
4 assumed to be true, *In re Tracht Gut, LLC*, 836 F.3d 1146, 1150 (9th Cir. 2016), and the court's
5 decision was on standing – whether Plaintiff can sue the Defendants in the first place, and has
6 nothing to do with the merits of her claims.

7 Given this case's procedural posture, and the likelihood of redundant appeals should the
8 Brothel Defendants be dismissed, final judgment as to the State and County Defendants should
9 not be entered at this time.

10 **II. Defendant Lance Gilman, sued as both a government official and a brothel
11 owner, cannot be dismissed by implication.**

12 The County and State Defendants attempt to argue that Defendant Lance Gilman, who
13 was sued in both his individual and official capacities, was dismissed because Storey County
14 was dismissed and should be included in a final judgment certification, even though the Court's
15 order does not dismiss him. Compare ECF No. 120 at 11-12 with *Doe v. Lombardo*, No. 3:24-
16 CV-00065-MMD-CSD, 2024 WL 3886299, at *1 n.2, n.3 (D. Nev. Aug. 16, 2024).

17 First, the case Defendants rely on that explicitly says "official capacity suits necessarily
18 fail, by implication, when a suit against the local government entity has been foreclosed upon" is
19 an unpublished opinion in the Northern District of Alabama, so it is not mandatory authority.
20 ECF No. 120 at 12 (citing *Bogus v. City of Birmingham, Alabama*, 2018 WL 1746527, at *11
21 (N.D. Ala., Apr. 11, 2018)). None of the District of Nevada cases they cite to use the phrase
22 "dismissal by implication," nor do they cite a similar rule or principle.

23 In *Luke v. Abbott*, a California district court held that "the proper defendant...is the local
24 government entity, and not the local government officer sued in official capacity on behalf of the
25

1 local government entity,” noting that it was “proper *upon request* for the Court to dismiss the
2 official-capacity officer[.]”. *Luke v. Abbott*, 954 F. Supp. 202, 204 (C.D. Cal. 1997) (emphasis
3 added). County Defendants made no such request here. In fact, County Defendants never even
4 suggested that naming Gilman in his official capacity was redundant until now, and they still
5 haven’t asked the court to make such a substitution.

6 Moreover, Gilman’s position is unique compared to these cases, in that the allegations in
7 this case do not name him as a placeholder for Storey County; this lawsuit alleges that in both his
8 official capacity as a Storey County commissioner, and his individual capacity as a pimp/brothel
9 owner he directly trafficked Plaintiff Jane Doe and used his public office to facilitate his crimes.
10 See ECF No. 1.

11 Additionally, in *Wright v. Penzone*, which County Defendants also cite, when a police
12 officer in his official capacity was sued, there was no discussion over whether he was the proper
13 defendant, or if there was an “entity” that should have been named or substituted for him. 2022
14 WL 819802, at *1 (9th Cir. 2022) (internal citations omitted). Nothing in *Penzone* suggested
15 that suing the officer instead of the entity was improper, and it is also distinguishable because the
16 entity itself was not sued.

17 The court specifically included Gilman in the Brothel Defendants category in the motion
18 to dismiss order. *Doe v. Lombardo*, No. 3:24-CV-00065-MMD-CSD, 2024 WL 3886299, at *1
19 n.2 (D. Nev. Aug. 16, 2024) (“County Defendants are Nye, Elko, and Storey counties.”); n.3
20 (“Brothel Defendants are Western Best, Inc. d/b/a Chicken Ranch (‘Chicken Ranch’); Desert
21 Rose Club, LLC (‘Desert Rose Club’); Hacienda Rooming House, Inc. d/b/a Bella’s Hacienda
22 Ranch (‘Bella’s Hacienda Ranch’); Mustang Ranch Productions, LLC d/b/a Mustang Ranch
23 Lounge, LLC (‘Mustang Ranch’), and Lance Gilman, owner of Mustang Ranch and Storey

1 County Commissioner, in his individual and official capacities (collectively, ‘Mustang Ranch
2 Defendants’.”).

3 The court did not say Gilman was dismissed because Storey County was dismissed, and
4 did not mention Gilman anywhere in its Order Dismissing State and County Defendants or Order
5 to Show Cause except to classify him as a Brothel Defendant. *Doe v. Lombardo*, No. 3:24-CV-
6 00065-MMD-CSD, 2024 WL 3886299, at *1 n.2, n.3Additionally, the Counties had multiple
7 opportunities to seek dismissal of Defendant Gilman in his official capacity as a Storey County
8 Commissioner on the above basis, but they did not. Dismissal by implication is not warranted
9 here.

As Lance Gilman, in his official capacity as a Storey County Commissioner has not been dismissed, final judgment cannot be entered in his favor.

CONCLUSION

13 For the foregoing reasons, Plaintiff Jane Doe urges the court to deny the County
14 Defendants' motion for certification and entry of final judgment as premature.

26 Jason D. Guinasso (SBN# 8478)
27 GUINASSO LAW
28 *Attorneys for Plaintiff*

ELECTRONIC CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I hereby certify that on this 23rd day of September 2024, a true and
copy of the foregoing **PLAINTIFF'S RESPONSE TO DEFENDANTS' NYE
COUNTY, ELKO COUNTY, AND STOREY COUNTY'S MOTION FOR
VERIFICATION AND ENTRY OF FINAL JUDGMENT (ECF No. 120)** was electronically
filed with the United States District Court. Electronic service of the foregoing document shall be
in accordance with the Master Service List.

/s/ Jennifer Johnson